

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

VIE LUXE INTERNATIONAL, LLC and
MARJORIE GUBELMANN RAEIN

Plaintiffs,

Docket # 08 CV 5023 (LAP)

**AFFIDAVIT IN SUPPORT
OF MOTION**

-against-


DANIEL BENEDICT

Defendant.

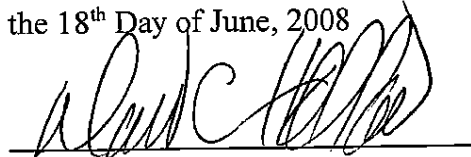
COUNTY OF NEW YORK)
) ss.:
STATE OF NEW YORK)

DANIEL BENEDICT, being duly sworn deposes and says under penalties of perjury:

1. I am the Defendant in the above captioned matter and as such I am fully familiar with the facts and circumstances of this case.
2. I have reviewed the annexed Affirmation In Support of Motion filed by my attorneys as well as the Memorandum of Law In Support of Pre-Answer Motion To Dismiss.
3. For the reasons stated in those submissions I make this Affidavit In Support of the motion and respectfully request that this Court dismiss the Third Cause of Action for lack of subject matter jurisdiction and/or failure to state a cause of action.
4. I further request that this Court decline to exercise its subject matter jurisdiction over the remaining state-based contract and tort claims that arise out of an ongoing employment dispute.


DANIEL BENEDICT

Sworn to before me on this
the 18th Day of June, 2008



Notary Public

DAVID C. HOLLAND
NOTARY PUBLIC, State of New York
No. 02HO5085544
Qualified in New York County
Commission Expires ~~9-29-2009~~

4/17/2010